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OFFICE OF PETITIONS

In re Application of	:
RONALD L. MAHANY, et al.	:
Application No. 09/127,276	: DECISION ON PETITION
Filed: July 29, 1998	: UNDER 37 CFR 1.182
Attorney Docket No. DN38307RX	:

This is a decision on the **renewed** petition under 37 CFR 1.182, filed October 19, 2005, requesting entry of an amendment to the specification to insert a reference to an earlier-filed application pursuant to the provisions of 35 U.S.C. § § 120 & 365(c) and § 119(e) for the benefit of priority to the prior-filed PCT, nonprovisional, and provisional applications set forth in the amendment filed with the earlier petition dated July 2, 2004.

The petition is **DISMISSED**.

The instant petition cannot be treated due to the failure to submit the 37 CFR 1.182 petition fee as set forth in § 1.17(f). In this regard, the renewed petition authorized the petition fee of \$130 along with a statement to charge any underpayments to the given deposit account. The required fee at the time of filing this petition was \$400 pursuant to 37 CFR 1.17(f). Accordingly, the deficient fee amount of \$270 is required to consider this petition. However, the deposit account authorized on the petition is a closed account with no remaining balance. Therefore, the petition is dismissed.

Petitioner asserts that the required fee for this petition should be \$130 because the original petition was filed on July 2, 2004, which was prior to the new fee schedule. Petitioner is in error. Pursuant to 37 CFR 1.22(a), patent fees and charges are required to be paid in advance of the requested action. Since the required fee for the requested action was not paid until October 19, 2005 with the filing of the instant renewed petition, the required fee of \$400 is proper. It is also noted that the required fee is not set forth in 37 CFR 1.17(h) as stated by the petitioner. Rather, 37 CFR 1.17(f) sets forth the required fee for any petition under 37 CFR 1.182.

In view of the above, submission of the required fee pursuant to §1.17(h) must be satisfied if applicant desires to claim priority to the applications noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.182."

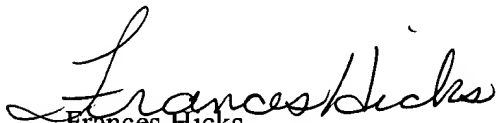
Further correspondence with respect to this matter should be addressed as follows:

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Any inquiries concerning this decision may be directed to Amelia Au at (571) 272-7414.


Frances Hicks
Lead Petitions Examiner
Office of Petitions

VIA FACSIMILE TRANSMISSION - OFFICIAL
To ATTN: Office of Petitions - Fax Number 571-273-8300
Application No. 09/127,276
October 19, 2005

OCT 19 2005

PATENT APPLICATION
(Attorney Docket No. DN38307RX)

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

In re application of: Ronald L. Mahany, et al.

Serial Number: 09/127,276

Art Unit: 2684

Filed: 07/29/1998

Examiner: Mr. Nick Corsaro

For: " LOW-POWER WIRELESS BEACONING NETWORK
SUPPORTING PROXIMAL FORMATION, SEPARATION AND
REFORMATION"

ATTN: OFFICE OF PETITIONS
FAX NO.: (571) 273-8300
U.S. PATENT AND TRADEMARK OFFICE

**Renewed Petition for Acceptance of a Claim for Priority
in Abandoned Application**

Applicant is in receipt of a Decision on Petition Dated October 3, 2005,
and hereby resubmits its Petitions for Acceptance of a Claim to Priority in
Abandoned Application and the accompanying Amendment for Abandoned
Application Re Cross Reference To Related Applications for the subject case.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that on the date shown below, this Renewed Petition for Acceptance of a Claim for Priority
in Abandoned Application consisting of two pages, and a Change of Correspondence Address form of one
page, are being sent by facsimile transmission to: ATTN: Office of Petitions at Fax Number 571-273-8300.

Date: October 19, 2005


John H. Sherman, Reg. No. 16,909

10/20/2005 HDEMESS1 00000077 141190 09127276

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PAGE 1/3 * RCVD AT 10/19/2005 1:39:32 PM (Eastern Daylight Time) * SVR:USPTO-EFAXF-6/30 * DNIS:2738300 * CSID:319 369 3630 * DURATION (min-ss):01-08

Adjustment Date: 08/04/2006 CKHLOK
10/20/2005 HDEMESS1 00000077 141190 09127276
01 FC:1464 130.00 CR

08/09/2006 CKHLOK 00000014 060001 09127276

01 FC:1599 130.00 DA

VIA FACSIMILE TRANSMISSION - **OFFICIAL**
To ATTN: Office of Petitions - Fax Number 571-273-8300
Application No. 09/127,276
October 19, 2005


The original Petition herein was sent by facsimile transmission on July 2, 2004, and cannot be made subject to a \$400 petition fee which only became effective on December 8, 2004. Accordingly, denial of the Petition of July 2, 2004 for lack of a \$400 petition fee, (instead of the authorized \$130 petition fee) is clearly in error.

Please charge the petition fee of \$130 as set forth in 37 CFR 1.17(b) on the fee schedule effective January 1, 2003 to Deposit Account No. 14-1190. Please charge any underpayments with respect to this Petition to Deposit Account No. 14-1190.

- (1) It is respectfully submitted that Applicant's Petition with Certificate of Facsimile Transmission of July 2, 2004 should not be subject to the Fee Schedule effective December 8, 2004.
- (2) Further in Applicant's Petition of July 2, 2004, at page 2, lines 2-3, of the Petition of July 2, 2004 Applicant authorized the charge of any underpayment to its Deposit Account.

Accordingly, reconsideration and approval of the Petition of July 2, 2004, and entry of the accompanying Amendment for Abandoned Application Re Cross Reference to Related Applications at this time is respectfully requested.

Respectfully submitted,


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Enclosure: Change of Correspondence Address Form of One Page